

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FOUNDATION AGAINST INTOLERANCE & RACISM,
INC. and BENJAMIN STEWART,

Plaintiffs,

-against-

**DECLARATION OF AMEER
BENNO IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

THE CITY OF NEW YORK; THE NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
DAVE A. CHOKSHI, as Commissioner of the New York City
Department of Health and Mental Hygiene; AND MARY T.
BASSETT, individually and in her official capacity as
Commissioner of the New York State Department of Health,

22-CV-528 (KPF) (JW)

Defendants.

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AMEER BENNO, declares under penalty of perjury that the following is true and correct:

1. I am an attorney with BENNO & ASSOCIATES P.C., attorneys for Plaintiffs herein.

2. I am making this declaration in further support of Plaintiffs' motion for a temporary restraining order and preliminary injunction, and I respectfully submit this declaration in order to place the relevant information and documents on the record.

3. Plaintiffs respectfully submit the following exhibits, all of which are true, correct and complete copies:

1. Verified First Amended Complaint
2. New York State Department of Health Framework entitled "Prioritization of Anti-SARS-CoV-2 Monoclonal Antibodies and Oral Antivirals for the Treatment of COVID-19 During Times of Resource Limitations"
3. December 27, 2021 Announcement by the New York State Department of Health entitled "COVID-19 Oral Antiviral Treatments Authorized And Severe Shortage of Oral Antiviral And Monoclonal Antibody Treatment Products"

4. December 27, 2021 directive by the New York City Department of Health and Mental Hygiene entitled “2021 Health Advisory #39
5. Declaration of Carrie D. Mendoza, M.D. dated February 21, 2022
6. Declaration of Benjamin Stewart dated February 23, 2022
7. Declaration of [REDACTED] dated February 23, 2022
8. Declaration of Kevin Ray dated February 23, 2022
9. The New York State Department of Health’s “COVID-19 Fatalities Demographic Data” table, published at <https://coronavirus.health.ny.gov/fatalities-0> (accessed Feb. 22, 2022)
10. The New York City Department of Health and Mental Hygiene’s “Weekly Rates by Subgroup” data reflecting rates of COVID-19 **hospitalization** by race and ethnicity, published at <https://www1.nyc.gov/site/doh/covid/covid-19-data.page#daily> (accessed Feb. 22, 2022)
11. The New York City Department of Health and Mental Hygiene’s “Weekly Rates by Subgroup” data reflecting rates of COVID-19 **death** by race and ethnicity, published at <https://www1.nyc.gov/site/doh/covid/covid-19-data.page#daily> (accessed Feb. 22, 2022)
12. CDC data showing “Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity,” published at <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (accessed Feb. 22, 2022)

4. A copy of my signature, sent electronically or by facsimile transmission, may be treated as the original for the purpose of serving and filing this affidavit, and the original will be provided if required.

Dated: New York, New York
February 23, 2022

BENNO & ASSOCIATES P.C.

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